

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

22-068-03

)
)
) Case No. 3:23-mj-116
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ South Dakota
(identify the person or describe the property to be searched and give its location):

The person or body of Edmund Bernard St. John IV, date of birth 12/15/1990, to include up to three blood draws over a period of three hours.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

Up to three blood draws containing evidence of a crime in violation of 18 U.S.C. Sections 1153 and 113(a)(6)

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before

September 4, 2022

(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

Mark A. Moreno or his designee (the clerk).
(name)☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).☐ until, the facts justifying, the later specific date of _____.

Date and time issued:

September 3, 2022 @ 8:15 p.m.
Central time

Mark A. Moreno

Judge's signature

City and state: Pierre, SD

Mark A. Moreno, United States Magistrate Judge

Printed name and title

cc: AUSA Thunem skk

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

22-068-03

Case No. 3:23-mj-116

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person or body of Edmund Bernard St. John IV, date of birth 12/15/1990.

located in the _____ District of _____ South Dakota _____, there is now concealed (identify the person or describe the property to be seized):

Three blood samples containing evidence of a crime.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

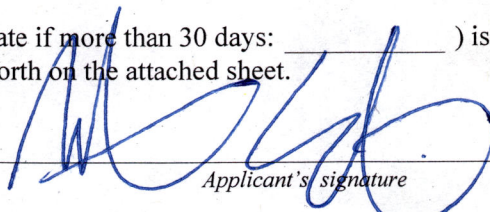
The search is related to a violation of:

Code Section
18 U.S.C. §§ 1153 and 113(a)
(6)

Offense Description
Assault Resulting in Serious Bodily Injury

The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature


SA Nate Entingh, Federal Bureau of Investigation

Printed name and title

Sworn to in person.

Date: 09/03/2022

City and state: Pierre, SD



Judge's signature

Mark A. Moreno, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

IN THE MATTER OF THE SEARCH OF:

3:23-mj-116

22-068-03

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)

I, Federal Bureau of Investigation Special Agent Nathan Entingh, being first
duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Federal Bureau of Investigation (FBI) Special Agent (SA) currently assigned to the Minneapolis Division, Pierre Resident Agency (PRA), and have been employed by the FBI since June 1, 2014. My law enforcement training includes the FBI Agents Academy located at Quantico, Virginia, receiving training in all matters related to criminal investigations including but not limited to: evidence collection, search and arrest warrants, and criminal procedures. As a Federal Agent, I am authorized to investigate violations of federal law of the United States and am a law enforcement officer with authority to execute warrants issued under the authority of the United States.

2. The facts and information contained in this Affidavit are based upon my personal observations and investigation, my training and experience, and information obtained from other law enforcement officers and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I have not included each and every fact obtained pursuant to this investigation, but have set forth those facts that I believe

are essential to establish the necessary probable cause for the issuance of the search warrant.

3. This Affidavit is made in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of Collin Brown Otter, date of birth: December 15, 1990, to include up to three blood draws over a three hour period. Based on my training and experience and the facts as set forth in this Affidavit, there is probable cause to believe that the blood of Edmond Bernard St. John IV, date of birth: December 15, 1990, contains evidence of violations of 18 U.S.C. §§ 1153 and 113(a)(6).

PROBABLE CAUSE

4. On September 3, 2022, your Affiant spoke with Bureau of Indian Affairs (BIA) Special Agent (SA) Andy Lepkowski via telephone. He informed your affiant of the following pertinent facts.

5. On September 3rd, 2022, Crow Creek BIA Agency dispatch received a call at 2:01 pm from a female reporting a blue van backing into a fence on White Ghost Drive and Red Horse Road in Fort Thompson. The caller reported the driver must be drunk.

6. At 2:03 pm, Crow Creek BIA Agency dispatch received a call from a person at the Crow Creek convenience store reporting a female jumping in front of a van and was hit. The caller requested an officer and the ambulance right away. Officer David Frederick arrived at the location of South Dakota Highway 47 at its intersection with the Crow Creek Convenience store parking lot. Officer David Frederick saw a female screaming on the ground with what appeared to be blood coming from her head. Emergency medical technicians were attending to her. Officer Frederick located two parked vehicles facing each other. Officer Frederick was informed a white vehicle pulled up to keep the blue minivan from leaving the scene. Officer Frederick saw two males in

the blue minivan, and they were both had an odor of alcohol coming from their breath. Officer Frederick had the driver, Edmond Bernard St. John IV, date of birth (DOB) December 15, 1990, exit the vehicle. He staggered as he got out. Officer Frederick stated St. John was unable to complete any field sobriety tests. Officer Frederick placed St. John under arrest for tribal charges. Officer Frederick had the only passenger in the vehicle step out. He also staggered as he exited the vehicle. Officer Frederick recognized the passenger as Donald Standing Soldier and placed him under arrest for tribal charges.

7. Officer Frederick conducted a field interview with Casey Hawk and Sherry Powers, who witnessed the minivan run into Tyra Small Bear, date of birth (DOB) June 30, 1997. Hawk and Powers immediately drove to check on Small Bear and keep the blue minivan from leaving, so they parked in front of it. Officer Frederick stated Hawk and Powers both saw the blue minivan backing up away from Small Bear as they arrived.

8. Officer Justin Schmiedt arrived at Officer David Frederick's location and assisted with transporting St. John and Standing Soldier to the Lower Brule Justice Center. St. John and Standing Soldier were both administered preliminary breath tests at the jail and booked into the facility.

9. BIA SA Andy Lepkowski arrived at Officer Frederick's location and began photographing the area. SA Lepkowski located several drops of a red substance that appeared to be blood on the southbound lane. SA Lepkowski located a black piece of clothing stuck on the front driver side headlight. There was a black piece of clothing lying on the ground where Officer Frederick informed me that Small Bear was lying when he arrived. There was a large red substance on the ground that appeared to be blood on the roadway in front of the blue minivan. SA Lepkowski saw a red substance on the front

driver side tire that appeared to be blood. All items were photographed and collected as evidence.

10. Officer Justin Schmiedt drove to the Sanford Hospital in Chamberlain, SD and checked on Small Bear. Officer Schmiedt collected a piece of black clothing that was cut and appeared to be a sweater consistent with the black clothing found near and on the blue minivan. Officer Schmiedt was informed by hospital staff that Small Bear had a broken pelvis and injuries to her head.

11. SA Lepkowski contacted South Dakota Highway Patrol for assistance. SA Lepkowski was informed by Trooper Megan Bultsma that a female named Lynette Shields, had approached Trooper Bultsma. Ms. Shields told Trooper Bultsma that Shields had heard the crash, and saw the blue van leaving the broken fence driving up the ditch and back on to Highway 47. According to SA Lepkowski this was the second time the fence was hit by St. John. SA Lepkowski observed that the van had sustained damage from striking the fence, including knocking the front passenger tire partially off the rim. Based on the direction of travel, the blue minivan driven struck the fence before striking Small Bear.

12. Based on my training and experience, I am aware that the location of the referenced vehicle accident is situated in Buffalo County, South Dakota, which is within the exterior boundaries of the Crow Creek Sioux Indian Reservation, and is "Indian country" for the purposes of 18 U.S.C. § 1153. I have been informed by SA Lepkowski that both St. John and Small Bear are tribal members, enrolled in the Crow Creek Sioux Tribe.

13. I am aware that in investigations involving driving under the influence, it can be useful to test an individual's bodily fluids for the presence of alcohol or other intoxicants. I am aware that blood samples can be collected from individuals, and then

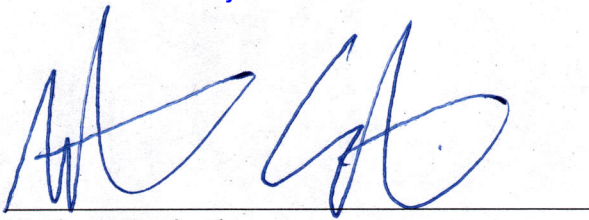
the blood samples can be sent to a forensic or chemical laboratory for testing and analysis. Such testing and analysis of blood can, generally, determine alcohol concentration levels in the body and determine whether narcotics or other intoxicating substances are present. I am aware that it can be beneficial to have multiple blood samples from the same person so that a comparison between the samples can be made. Samples taken over a period of time can show the arc of concentration of intoxicants in an individual's system.

14. I am generally aware that it can aid in the investigation to collect multiple blood samples, as the blood samples may contain items that are actively in the individual's system. At approximately 3:00 p.m. Edmond Bernard St. John IV underwent a Preliminary Breath Test (PBT) was 0.194%. I am requesting to be able to draw up to three separate blood samples over a period of three hours from Edmond Bernard St. John IV, date of birth: December 15, 1990.

15. I am requesting this warrant be permitted to be served at any time, day or night. A nighttime search is reasonable because the blood draw is no less invasive at night than in day, and time is critical to preserve potential evidence of a crime. The warrant requested needs to be served today in order to preserve evidence directly related to the incident under investigation.

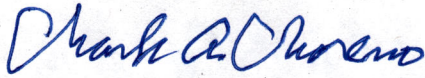
CONCLUSION

16. Based upon my training and experience and the facts set forth above, I believe there is probable cause to search the person of Edmond St. John, date of birth: December 15, 1990, for fruits, evidence, and instrumentalities of violations of 18 U.S.C. §§ 1153 and 113(a)(6). Your Affiant respectfully requests a search warrant be issued to search and seize the person of Edmond Bernard St. John IV, date of birth: December 15, 1990, to obtain up to three blood draws.

A handwritten signature in blue ink, appearing to read 'Nathan Entingh', written over a horizontal line.

Nathan Entingh,
Special Agent, Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence on this 3rd day of
September, 2022, at Pierre, South Dakota.

A handwritten signature in blue ink, appearing to read 'Mark A. Moreno', written over a horizontal line.

MARK A. MORENO
United States Magistrate Judge